

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNIVERSITAS EDUCATION, LLC,)	
)	
Petitioner/Judgment Creditor,)	
)	
v.)	Case No. 14-FJ-05-HE
)	
NOVA GROUP, INC.,)	
)	
Respondent/Judgment Debtor,)	
)	
AVON CAPITAL, LLC,)	
)	
Respondent/Judgment Debtor,)	
)	
ASSET SERVICING GROUP, LLC,)	
)	
Respondent/Garnishee,)	
)	
SDM HOLDINGS, LLC,)	
)	
Respondent/Garnishee,)	
)	
and)	
)	
AVON CAPITAL, LLC, a Wyoming Limited)	
Liability Company,)	
)	
Intervenor.)	

**RECEIVER’S APPLICATION FOR ORDER APPROVING
PAYMENT OF RECEIVER’S JANUARY 2024 FEES AND COSTS**

The Receiver, Ryan Leonard, hereby submits this Application and in support respectfully shows the Court as follows:

1. On January 4, 2024, this Court entered an Order appointing a Receiver for Avon Capital LLC (“Avon Capital”) [Doc. No. 565].

2. The Order authorized the Receiver to recover “reasonable compensation for his efforts as receiver, with the cost thereof to be an expense of the receivership” [Doc. No. 565, ¶6]. Requests for compensation shall be made monthly and are subject to Court approval [Doc. No. 565, ¶6].

3. This Application seeks Court approval of payment of the Receiver’s fees and costs incurred in the month of January 2024. Said fees incurred are \$4,647.50 with costs of \$520.00, which includes as an expense the attorney fees paid by the Receiver. Therefore, the total amount of the Receiver’s fees and costs for January 2024 is \$5,167.50.

4. The work performed by the Receiver and associated costs incurred by him in the service of the receivership estate are set forth in the attached January 2024 Statement as Exhibit 1.

ARGUMENTS AND AUTHORITIES

“The general rule is that costs and expenses of a receivership, including compensation for the receiver, counsel fees, and obligations incurred by him in the discharge of his duties constitute a first charge against the property or funds in receivership... .” *Brown v. Bivings*, 1957 OK 205, ¶7, 316 P.2d 855, 859. “The receiver is an arm of the court. Expenditures incurred by the court during a receivership are in reality costs of administration. They constitute expenditures which are necessary to enable the court to exercise its jurisdiction.” *Sinopoulo v. Portman*, 1943 OK 90, ¶16, 137 P.2d 943, 947-48. “The allowance of attorney fees, necessary and reasonable expenses, and reasonable compensation of the receiver should be allowed by the court, and the court may in its discretion, order such payment to be made from the funds of the estate....” *Keenan*

v. Clark, 1947 OK 380, ¶12, 188 P.2d 219, 220-21. Absent an abuse of discretion, the amount of compensation for receivers and their attorneys will not be disturbed on appeal. *Brann v. Harris*, 1935 OK 298, ¶13, 47 P.2d 876, 878-79.

The compensation sought for the Receiver's fees and costs, as set forth in Exhibit 1, are reasonable and were necessarily incurred to preserve the assets of the receivership estate. Accordingly, the Receiver is entitled to reasonable compensation for his services.

WHEREFORE, for the reasons set forth above, the Receiver respectfully requests this Court enter an Order authorizing payment of his January 2024 fees and costs in the total amount of \$5,167.50 to be paid with assets of the receivership estate, and for all other relief this Court deems just and equitable.

DATED: February 13, 2024

Respectfully submitted,

s/ Heidi J. Long

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CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2024, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

s/ Heidi J. Long

Heidi J. Long